

STATE OF MICHIGAN  
COURT OF APPEALS

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DARWIN SMITH,

Plaintiff-Appellee,

v

ELLEA SMITH,

Defendant-Appellant.

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UNPUBLISHED

June 23, 2000

No. 219231

Wayne Circuit Court

Family Division

LC No. 97-735993-DM

Before: Hoekstra, P.J., and Cavanagh and White, JJ.

MEMORANDUM.

Defendant appeals as of right from a judgment of divorce, challenging the trial court's determination of custody. We affirm.

Defendant argues that the trial court erred in awarding physical custody of the parties' daughter to plaintiff. We disagree. Custody disputes are to be resolved in the best interests of the child. *Bowers v Bowers (After Remand)*, 198 Mich App 320, 324; 497 NW2d 602 (1993). We review the trial court's findings regarding each of the statutory best-interest factors to determine whether they are against the great weight of the evidence, and we review the trial court's discretionary ruling on which parent is awarded custody for an abuse of discretion. MCL 722.28; MSA 25.312(8); *Fletcher v Fletcher*, 447 Mich 871, 879-880; 526 NW2d 889 (1994).

The record indicates that the trial court carefully considered each of the best-interest factors in arriving at its decision and a review of the record reveals that the trial court's findings are not against the great weight of the evidence, because the evidence does not clearly preponderate toward opposite findings. *Id.* at 879. Ten of the twelve factors favored plaintiff and, contrary to defendant's claim, there was clear and convincing evidence to support the trial court's decision to award custody of the child to plaintiff. Hence, the trial court did not abuse its discretion in awarding custody to plaintiff.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Mark J. Cavanagh  
/s/ Helene N. White